

TERRY KREGGE)	
Claimant)	
VS.)	
)	
FIBERGLASS ENGINEERING, INC.)	Docket No. 217,752
Respondent)	
AND)	
)	
CIGNA INSURANCE COMPANIES)	
Insurance Carrier)	

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

Claimant alleges accidental injury on September 12, 1996, through October 25, 1996, while working for respondent. Respondent contends claimant's injury stems from a July 1996 softball injury when claimant was taken to the emergency room after a collision with another player. After the softball injury, claimant underwent treatment for his injuries including x-rays of his cervical spine, which showed degenerative conditions in the cervical spine. Claimant missed no work at that time.

In September 1996 while using a crowbar at work, claimant suffered an exacerbation of his conditions. This dispute exists between the treating doctor F. Allen Moorhead, Jr., and Dr. Robert A. Rawcliffe, the Court appointed IME physician. Dr. Moorhead opined that the claimant's condition was related to the softball accident of July 1996 while Dr. Rawcliffe felt that claimant suffered an exacerbation of his work-related injury in September 1996.

The Appeals Board finds it significant that while Dr. Moorhead does not feel claimant's September 1996 injury contributed to his overall condition, the October 28, 1996, CT scan and MRI of claimant's cervical spine evidenced a herniated disc at C4-5 not present in July 1996. This indicates a different physical insult to claimant's body than that found in July 1996. While there may be some connection between the ongoing symptomatology and claimant's original injury in July, the Appeals Board does find that claimant suffered an aggravation of his prior degenerative condition as a result of the injuries suffered while using the crowbar.

WHEREFORE, it is the finding, decision, and order of the Appeals Board, for preliminary hearing purposes, that the Order of Administrative Law Judge John D. Clark dated March 26, 1997, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 1997.

BOARD MEMBER

c: Roger A. Riedmiller, Wichita, KS
Vincent A. Burnett, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director